

D/L.03.
February 25, 2026.
KAUSHIK

WPA No. 19313 of 2011

CESC Limited & Anr.
Vs.

The Appellate Authority & Anr.

Mr. Subir Sanyal
Mr. Somnath Bose
... for the petitioner.

Mr. Srijan Nayak
... ..for Appellate Authority/WBSEDCL

Affidavit of Service filed on behalf of the
petitioner be kept with the record.

The grievance of the petitioner is directed
against an order dated 5th September, 2011
passed by the Appellate Authority. By the
impugned order, the Appellate Authority has
quashed the final order of assessment and
directed an aggregate amount of Rs.79,513/- be
paid to the private respondent.

On behalf of the petitioner, it is submitted
that the impugned order have been passed in
violation of the principles of natural justice. There
are no reasons in the impugned order. The
impugned order does not disclose any application
of mind. The Appellate Authority has acted
mechanically without considering the facts and
circumstances of the case. On behalf of the
respondent, it is fairly submitted that the
impugned order is bereft to any reason.

In view of the submissions made on behalf of the parties, WPA 19313 of 2011 stands allowed. The impugned order is quashed and/or set aside. The matter is remanded to the Appellate Authority to be heard afresh in accordance with law after giving a right of hearing to all the parties. It is made clear that in disposing of the matter afresh, the Appellate Authority is bound to give reasons for passing the orders.

It is made clear that there has been no adjudication on the merits of the case and all issues are left open to be decided by the Appellate Authority in accordance with law.

(Ravi Krishan Kapur, J.)